

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

KYLE DOMINIC STREET,

Plaintiff,

v.

ROY HINMAN, *et al.*,

Defendant.

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No. 1:24-cv-00121-MTS

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs. Docs. [8], [9], [10] and [13].* Having reviewed Plaintiff's Application and inmate account statement, the Court will grant the Application and assess an initial partial filing fee of fifteen dollars and nine cents (\$15.09). *See* 28 U.S.C. § 1915(b)(1). Plaintiff shall pay the initial partial filing fee no later than November 25, 2024. Failure to do so will result in the dismissal of this action without further notice. *See In re Smith*, 114 F.3d 1247, 1251 (D.C. Cir. 1997) (noting that, under the Prison Litigation Reform Act, the failure to pay the initial partial filing fee required by 28 U.S.C. § 1915(b)(1) may result in dismissal of a prisoner's action (citing *Ayo v. Bathey*, 106 F.3d 98, 101 (5th Cir. 1997) (per curiam))); *see also Hutchins v. A.G. Edwards & Sons, Inc.*, 116 F.3d 1256, 1259 (8th Cir. 1997) ("A district court has the power to dismiss a litigant's cause of action when the litigant fails to comply with the court's orders.").

* The Court notes that in several letters, Plaintiff requested a copy of the Court's form Application to Proceed in the District Court Without Prepaying Fees or Costs. Because he had handwritten and completed the form already, *see* Docs. [10] and [11], he does not require the Court-provided form.

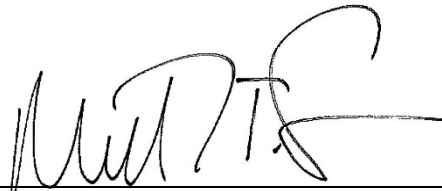
Plaintiff then will be required to make monthly payments in accordance with 28 U.S.C. § 1915(b)(2) until the full \$405 filing fee is paid. *See Ashley v. Dilworth*, 147 F.3d 715, 716 (8th Cir. 1998) (per curiam) (explaining that prisoner-litigants must “pay filing fees in full, with the only issue being whether the inmate pays the entire filing fee at the initiation of the proceeding or in installments over a period of time”).

Accordingly,

IT IS HEREBY ORDERED that Plaintiff’s Applications to Proceed in District Court Without Prepaying Fees or Costs, Docs. [8], [9], [10], and [13] are **GRANTED**.

IT IS FURTHER ORDERED that Plaintiff shall pay an initial partial filing fee of fifteen dollars and nine cents (\$15.09) no later than **Monday, November 25, 2024**. Plaintiff shall make his remittance payable to “Clerk, United States District Court,” and include upon it: (1) his name; (2) his prison registration number; (3) the case number; and (4) that the remittance is for an original proceeding. *See* 28 U.S.C. § 1915(b)(1). **Failure to do so will result in the dismissal of this action.**

Dated this 11th day of October 2024.



MATTHEW T. SCHELP
UNITED STATES DISTRICT JUDGE